

REMARKS

Applicants wish to thank Examiner Mercier and supervisory Examiner Woodward for the helpful discussion with Applicants Representative on January 16, 2009. The following is intended to expand upon the discussion.

Claim 1 has been amended by claiming that 70 to 90 wt % of water are present in the claimed peel-off cosmetic pack. **New Claim 20** is based on original Claim 1. Applicants are also filing a **Rule 132 Declaration** stating that the composition of Minnix does not form a continuous phase and cannot be a peel-off-pack preparation.

The rejections of the claims over Minnix (U.S. Patent 6,309,655) and Shiraishi (U.S. Patent 5,733,344), Mochizuki (US 6,602,513), Kaneda (US 6,596,285), Kern (US 4,717,737), Massaro (US 2004/0091446) are traversed.

Minnix, Shiraishi, Mochizuki, Kaneda, Kern, Massaro, alone or in combination, fail to disclose or suggest a peel-off cosmetic pack as claimed in Claims 1 and 20, and in particular a peel-off pack having 70 to 90 wt % of water as claimed in Claim 1.

The present invention provides a peel-off cosmetic pack preparation in which polyvinyl alcohol is used as a film-forming agent to form a continued film on the skin, and this film is then peeled off. In order to form such a continued film, it is required that an aqueous phase having polyvinyl alcohol dissolved therein is a continuous phase. For that reason, in peel-off cosmetic pack preparations, a large amount of water is in general blended.

In contrast, the cosmetic composition disclosed in Minnix is basically a water-free anhydrous cosmetic composition (see Claim 1), in which water can be present only via its presence in the formulation components and absorption from the atmosphere, and the amount

of water, if any, is up to 5 % (see column 6, lines 32-48). As a result, the aqueous phase cannot be a continuous phase in the cosmetic preparation at the water content of this degree. Therefore, even when the cosmetic preparation of Minnix is applied on the skin, it cannot form a continued film and can never become a peel-off pack preparation. See also the **Rule 132 Declaration.**

Further, in contrast to Minnix, the cosmetic pack of Claim 1 contains 70 to 90 wt% of water.

Further, originally, the cosmetic composition of Minnix contains a self-warming component which generates heat when brought into contact with water, and in order to avoid the heat generation before application of the cosmetic preparation, it is basically required that the cosmetic composition is anhydrous (see column 3, lines 16-23). Also, in Minnix, the polyvinyl alcohol is merely used as a binder for binding self-indicating disintegrating granules (see column 3, line 66 to column 4, line 1 and column 4, lines 8-17).

Thus, Minnix does not disclose or suggest a peel-off cosmetic pack of the present invention, which uses polyvinyl alcohol as a film-forming agent and contains a large amount of water. Shiraishi, Mochizuki, Kaneda, Kern, Massaro fail to cure the defects of Minnix because none of Shiraishi, Mochizuki, Kaneda, Kern, Massaro discloses a peel-off cosmetic pack as claimed.

Moreover, the solution of problems in the present invention are not disclosed or suggested by Minnix, Shiraishi, Mochizuki, Kaneda, Kern, Massaro, alone or in combination. Specifically, under the conventional technology, it has been difficult to stably disperse a pigment in a polyvinyl alcohol aqueous solution due to influences of surface activity of the pigment. In this context, the present invention has realized a stable dispersion system by employing, as a pigment, a titanium-titanium dioxide sinter which has a small mutual action with polyvinyl alcohol and further using a polyglycerol fatty acid ester as a dispersant.

Therefore the rejections of the claims over Minnix, Shiraishi, Mochizuki, Kaneda, Kern, Massaro should be withdrawn.

The rejections of the claims over Yano, Shirashi, Massaro, Kaneda, Kern, is traversed.

It was mentioned during the discussion of January 16, 2009, that regarding the rejection over Yano, Shirashi, Massaro, Kaneda, Kern, the Examiners will consider the structural differences between polyglycerol fatty acid ester and monoglycerol fatty acid ester.

None of Yano, Shirashi, Massaro, Kaneda, Kern, alone or in combination, fail to disclose or suggest a peel-off cosmetic pack, comprising: **a polyglycerol fatty acid ester**.

The compound to be used in the present invention is a polyglycerol fatty acid ester in which a number of glycerol is polymerized (see the product information submitted with the Amendment on June 20, 2008), whereas all compounds of of Massaro (glyceryl isostearate and glyceryl oleate in paragraph [0135]; glyceryl laurate and glyceryl stearate in paragraph [0140] of Massaro) are a monoglycerol fatty acid ester in which one fatty acid is ester-bonded to one glycerol. Thus, a polyglycerol fatty acid ester as claimed in the present invention and a monoglycerol fatty acid ester as disclosed in Massaro are different from each other and it is not obvious to substitute one of the other.

Further, the specification of the present invention discloses at page 9, 2nd full paragraph, as follows:

In addition to the above components, a polyglycerol fatty acid ester can be added to the cosmetic pack preparation as a component (f) to synergistically increase the dispersion stability of the component (b).

Emphasis added.

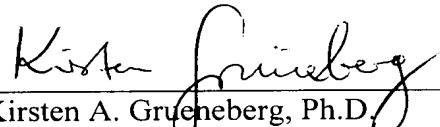
This is not disclosed or suggested by Yano, Shirashi, Massaro, Kaneda, Kern, alone or in combination.

Thus, the rejections of the claims over Yano, Shirashi, Massaro, Kaneda, Kern should be withdrawn.

This application presents allowable subject matter, and the Examiner is kindly requested to pass it to issue. Should the Examiner have any questions regarding the claims or otherwise wish to discuss this case, he is kindly invited to contact Applicants' below-signed representative, who would be happy to provide any assistance deemed necessary in speeding this application to allowance.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.
Norman F. Oblon



Kirsten A. Grueneberg, Ph.D.

Registration No.: 47,297

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
NFO:KAG: